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Committee on Economic, Social and Cultural Rights
Fifty-fourth session

Summary record of the fifth meeting
Held at the Palais Wilson, Geneva, on Wednesday, 25 February 2015, at 10 a.m.

Chairperson: Mr. Sadi

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The meeting was called to order at 10 a.m.

Consideration of reports (*continued*)

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Second and third periodic reports of Tajikistan (continued) (E/C.12/TJK/2-3; E/C.12/TJK/Q/2-3 and Add.1; HRI/CORE/1/Add.128)

1. *At the invitation of the Chairperson, the delegation of Tajikistan took places at the Committee table.*

2. **Mr. Shohmurod** (Tajikistan), responding to questions put by Committee members during the previous meeting about the National Development Plan and the Poverty Reduction Strategy, said that governance reform, transparency, accountability, combating corruption, and the development of the private sector and capacity-building were all priorities in the country's development, as was improving social services for the poor. New long and medium-term strategies were currently being developed using a new methodology, the aim being to reduce the poverty level to 20 per cent by 2020.

3. **Ms. Hasanova** (Tajikistan) said that, although the first two phases of the Poverty Reduction Strategy had halved the poverty level to 32 per cent, it was still somewhat higher in the regions than in urban areas. A review had been conducted using focus groups, at national level to consider policy and at regional level to consider implementation. The forthcoming third phase would concentrate on improving living standards, together with all other relevant issues, such as improved governance, e-governance, improved transparency and accountability, and the use of a "one-stop shop" system for payments. That could only be done with the involvement of civil society. Other areas emphasized would be macroeconomic development, improving the investment climate, encouraging business, special economic areas, greater integration into the world economy, and sustainable economic development – particularly in rural areas through agricultural and village development. Priorities in the social sector would include education, public health, water, environmental issues and tourism. Gender too was a priority, with incentives offered to attract girls and women into both education and business. Capacity-building in the State bodies would be accompanied by an employment development plan. All aspects of the Strategy involved the private-sector involvement and comprised indicators to enable proper monitoring of implementation.

4. **Mr. Shohmurod** (Tajikistan) said that the housing code currently being developed would include a definition of social housing; requests for such housing were dealt with in order of submission. The building code concerned private property development, and the housing policy framework took the needs of vulnerable groups into account. The construction of the Roghun hydroelectric power station had not involved any forced transfer of local residents but rather voluntary expropriation, as provided for by legislation, with compensation.

5. Drug trafficking was a particular problem because of the country's long border with Afghanistan. Tajikistan had national plans to combat and prevent trafficking and to assist drug users, with government departments collaborating in their implementation, but the problem went beyond national borders and made international cooperation essential. Tajikistan had improved its efforts to address offences relating to trafficking, and large quantities of drugs had been seized, which had helped to restrict access to drugs in the country. Through collaboration with the agencies of the Russian Federation, the number of Tajik citizens arrested for drugs offences in that country had fallen. The number of

registered drugs users had increased, probably because voluntary registration gave them access to treatment.

6. **Ms. Bobohojieva** (Tajikistan) said that more drug users had been applying for help in recent years, but the situation had gradually stabilized and figures were now falling. In collaboration with other ministries and international agencies, the Ministry of Health had developed programmes, including on HIV, to help them, and the drop-in centres that existed throughout the country had syringe-exchange programmes for injecting drug users. A cooperation agreement with the World Health Organization (WHO) had increased the effectiveness of health and drugs counselling for young people, notably by offering staff specialized training courses with international instructors. The health facilities concerned had received independent certification in line with WHO standards and had served more than 50,000 young people in 2014.

7. **Mr. Shohmurod** (Tajikistan), responding to a question about the effect of drug trafficking on the economy and money laundering, said that a recently adopted Act criminalizing illegal income had been drafted with the help of international experts.

8. **Mr. Mirboboev** (Tajikistan) said that the first national survey of child labour in the country, presented in December 2014, had produced more reliable information, including on the situation in different sectors of the economy. That had enabled the Government to prepare an appropriate response. The country's next periodic report to the Committee on the Rights of the Child would show that just over 20 per cent of children aged between 5 and 15 did indeed work, the figure rising to 45 per cent for 15 to 17-year-olds. However, although a small percentage were working in hazardous conditions, most were working on family farms or in the home, and their school attendance rate was no lower than that of non-working children. Children generally left school only after completing the compulsory ninth class.

9. There was provision for children with disabilities in dedicated schools and children's homes, with adoption — generally within the country — offering an alternative. The provision of quality education for those children was a Government priority, as was their inclusion in society and subsequent employment. There was a national framework for inclusive education and more than 5,000 children with disabilities — over three times the figure for 2009 — were currently attending general schools and preschools. Home schooling was also a possibility and textbooks had been produced for that purpose. All newly constructed school facilities provided for the needs of pupils with disabilities.

10. A Ministry of Education survey showed that 99.9 per cent of children of school age attended school. About 25 per cent left after completing the ninth class, the last year of compulsory schooling, but many of them then went on to two-year vocational training courses. The 270 children under the age of 15 who had dropped out of school in 2014/15 were all of Tajik origin.

11. Measures were being taken to make up the shortfall in the number of teachers, the figure already having been reduced by half to around 200. Two thirds of all teaching staff had higher qualifications and all teachers were entitled to in-service training to improve their qualifications every five years; that interval would shortly be reduced to three years.

12. The new Education Act was encouraging early learning, although as yet only 12 per cent of children attended preschool. The United Nations Children's Fund was helping the authorities to develop early-learning centres and other preschool facilities, particularly in the more remote regions of the country.

13. **Mr. Shohmurod** (Tajikistan) said that, under the new national programme on the eradication of the worst forms of child labour, Tajikistan would improve its system of data collection, which meant that more reliable and up-to-date information would soon be

available. A programme on the development of private schools and preschools had been adopted in 2014.

14. **Mr. Ashurov** (Tajikistan), responding to questions raised at the previous meeting, said that, although legislation did not yet cover all forms of discrimination, many types of both direct and indirect discrimination were criminalized under article 143 of the Criminal Code. One case had been brought to court, and the perpetrator convicted, during the period 2011–2013, and no cases had been brought in 2014. The Covenant and the Committee's recommendations had been translated into Tajik and Russian and distributed to officials and students. Internet access was unrestricted and available at reasonable cost. More than half the population used that service, making it the most used, as well as the cheapest, in the Central Asian region. In recent years, the provisions of the Covenant had been translated into legislation in three areas: education, the right to divorce and pensions. There were also many cases of the courts applying the norms of the Covenant, e.g. in relation to property rights.

15. **Ms. Bobohojieva** (Tajikistan) said that public health care encompassed family planning. Special units had been set up to offer advice on contraceptive methods and abortion procedures, and guidelines had been developed in that regard. All kinds of contraceptive methods were available and most were free of charge. Contraception use had increased over the previous decade, and 72 per cent of the population currently used some form of family planning. The new mandatory medical insurance scheme would be funded by the national insurance tax levied on incomes and complementary medical insurance would also be available. The scheme did not yet have countrywide coverage because of a lack of funding due to poor tax revenues. Under a governmental decision, however, it would be implemented throughout the country from 2015.

16. Many sectors of the population suffered from malnutrition, particularly women and children in vulnerable situations. The State party participated in an international programme, which included input from United Nations agencies, to tackle malnutrition specifically among those groups. Over a quarter of children under 5 years of age were malnourished and around 10 per cent had resulting growth disorders. The collapse of the Soviet Union and the financial crisis of 2008 had had a negative impact on food security and health-care provision, and had generated the displacement of large sectors of the population, increasing their vulnerability to disease. Efforts to improve food security and quality included initiatives such as the incorporation of salt into certain foods in order to increase iodine levels. Other measures included increasing vitamin A levels in babies and toddlers, encouraging mothers to breastfeed and treating cases of anaemia. WHO standards regarding the development of children under 5 were implemented in health clinics. There had been a marked improvement in the health of the targeted sections of the population as a result of all the above-mentioned measures. Additionally, a team had been set up to deal with school meals and special provisions had been introduced to improve nutrition for school-age children.

17. **Mr. Shohmurod** (Tajikistan) said that policymaking in the forthcoming years would focus particularly on the health of children and young persons.

18. **Ms. Tagoeva** (Tajikistan) said that, under the aegis of the Ministry of Internal Affairs and other relevant departments, a programme to prevent domestic violence had been formulated, units had been established across the country to deal with gender-based violence and inspectors specializing in that question had been appointed to the Ministry. The inspectors were competent to bring cases before the courts and to issue protection orders of up to one month. While the number of complaints lodged for domestic violence had fallen overall, in 2014 there had been an increase in the number of complaints made by women. The number of proceedings instituted in 2013 and 2014, however, had decreased.

19. Legislation provided for the possibility of building up pension capital and for pension indexation on an annual basis, taking into account the consumer price index and increases in incomes. If inflation exceeded 6 per cent, steps were taken to ensure sufficient pension provision. A lower pension was provided to workers in the informal economy than to those in the formal sector. Labour legislation contained a list of banned occupations for women with the aim of reflecting women's capabilities and protecting their health. The list included occupations that involved working underground or lifting heavy weights, such as in the mining or construction industries. Labour legislation also provided for the suspension of an enterprise or employer where the health or life of an employee was compromised. Labour laws did not specifically cover the informal economy, in which just under half of the population worked, and efforts were being made to curb the growth of that sector.

20. **Ms. Hasanova** (Tajikistan) said that the contribution of the informal sector was nevertheless taken into account in the calculation of the gross domestic product (GDP). In 2014, that contribution had stood at just over 10 per cent.

21. **The Chairperson** asked for further details on religious education in the State party, particularly in the light of the rise of radicalism and the call to promote moderation and peaceful coexistence. He invited the delegation to refer to the Committee's general comments in future reports with a view to providing in-depth explanations of the implementation of the Covenant.

22. **Mr. Abdel-Moneim** said that the State party's report was too sparse and read like a follow-up report. In the light of the boom in the construction industry which was feeding the economy, he requested data on the State budget allocations for housing, schools and hospitals. The financial benefits of the economic growth resulting from the boom should be directed towards the poorer and more vulnerable sectors of society.

23. **Ms. Shin** said that the provisions excluding women from certain occupations should be reviewed in the context of current efforts in order to challenge gender stereotypes and traditional concepts of gender roles. A post should be filled not according to a person's gender but according to the candidate's qualifications for the job.

24. **Mr. Uprimny Yepes** asked about the lack of protection against discrimination on the grounds of sexual orientation. In addition, given that under current legal provisions it was not possible to prosecute acts of indirect discrimination per se, amendments should be made to ensure that indirect discrimination could be sanctioned.

25. While health-care spending was growing in absolute terms, the proportion of GDP spent in that area was not increasing year on year. What prevented the State party from increasing the percentage allocated for health care? Strengthening health care would trigger improvements in other areas. He asked how the State party would amend the provisions which defined the possession of drugs as an offence, given that they ran counter to other public health-care policies in that area. Lastly, he would like further information on the new draft law to limit access to funding for non-governmental organizations (NGOs).

26. **Ms. Bras Gomes** said that despite provisions to prevent discrimination, certain groups of people were not protected. A comprehensive legal framework was essential in order to take into account discrimination on grounds of sexual orientation, gender identity, and social and economic status. She asked how the maximum threshold of 6 per cent inflation for the indexation of the State pension was determined and what bearing that threshold had on the minimum pension and minimum wage. Was the State party, through the unified pension system, moving towards a contributory system and, if so, how would women be affected?

27. **Mr. Kedzia** (Country Rapporteur) asked how the draft law on the Bar would remedy the lack of legal aid, given that the obligation to provide legal aid was incumbent

on the State. Did the establishment of the Qualification Commission under the purview of the Ministry of Justice compromise the independence of the judiciary? He asked whether social security coverage was adequate, since around half of the population did not work in the formal economy. He asked what action the State party had taken to ensure access to housing, education and other basic services for Tajik migrants, what were the duties of the Tajik consulate in Russia, and what civil status was granted to returning migrants and to the children of women migrants. What plans were there to remedy the accommodation in the same institutions of older persons and children with disabilities? Was domestic violence recognized as an offence in the State party and what mechanisms were in place to receive complaints and provide reparation in that regard? What action was taken to address the issues of early marriage and polygamy?

28. **Mr. Shohmurod** (Tajikistan) said that the draft law concerning limitations on access to funding for NGOs was under examination and was not currently before parliament. It was based on recommendations from the Organization for Economic Cooperation and Development to curb money-laundering and corruption, and to monitor resources donated to NGOs. Approximately a quarter of NGOs in the country received foreign assistance, amounting to a third of the State budget. The draft law, through the requirement for NGOs to declare resources received, was intended to prevent duplication of the provision of resources.

29. The draft law on the Bar aimed to bring provisions on access to legal aid into line with international standards. The Qualification Commission oversaw the examination procedure for newly trained lawyers, was fully independent, and consisted of five practising lawyers and representatives of Government ministries, NGOs and academic institutions. The draft law did not address budgetary requirements for the provision of free legal aid and there were no State attorneys or public defenders in Tajikistan. The Government was therefore studying the issue with support from foreign partners such as the United Nations Development Programme in order to consider alternatives and reach a solution.

30. **Ms. Bobohojieva** (Tajikistan), replying to a question about social insurance, said that there were a number of social benefits that covered, inter alia, temporary incapacity to work, maternity leave and unemployment; those benefits were regulated by law. Workers were entitled to special benefits if their incapacity for work had been caused at or on their way to the workplace or on the day they had been dismissed. Women workers were entitled to maternity benefits, which were equivalent to their daily wage multiplied by 70 or 80 days. Childcare was subsidized for the first 18 months of the child's life, and benefits were increased with the birth of additional children.

31. **Mr. Shohmurod** (Tajikistan), referring to a question raised by Ms. Shin, said that the exclusion of women from certain occupations was being reviewed by the Government and might be abolished. Some of the stereotypes inherited from the Soviet era were perhaps perpetuated by women who did not wish to perform certain tasks, but women should nevertheless have the right to freely choose their occupation.

32. **Ms. Hasanova** (Tajikistan) said that there had been a marked increase in the number of persons, including pensioners, who were able to purchase the minimum consumer basket. The minimum pension was related to the minimum wage, and both had been increased in recent years pursuant to presidential decree. The minimum wage would be raised by 60 or 70 per cent in September 2015, and similar increases in the minimum pension were envisaged.

33. Referring to concerns that had been raised by Mr. Uprimny Yepes, she said that the budget for health care was estimated at 2 per cent of GDP or 7 per cent of overall State spending, while social insurance accounted for 20 per cent of State spending.

34. **Mr. Mirboboev** (Tajikistan), responding to questions posed by the Chairperson, said that Tajikistan attached great importance to religious education. The Islamic Institute of Tajikistan had some 4,000 students, 25 per cent of whom were female. Islamic education standards, curricula and programmes were established and overseen by the Government, and the Institute received some of its funding from the central budget. At the secondary school, all students received a secular education while being instructed in the precepts of Islam, and most graduates went on to pursue higher Islamic education at the Institute. A number of students who had gone abroad to study Islam had returned to Tajikistan, where they were given the opportunity to continue their studies at the Institute.

35. **Mr. Ashurov** (Tajikistan) said that his Government had been concerned that young persons studying Islam abroad might fall prey to extremist groups and become jihadists or suicide bombers. As a result, action had been taken to ensure that students could pursue their religious education, regardless of level, in Tajikistan. In addition to the Islamic Institute of Tajikistan, there was a non-governmental Islamic association with a centre that provided, inter alia, instruction for school-age children and further training for teachers. Such programmes sought to improve the quality of Islamic education in Tajikistan and to curb negative extremist influences that might undermine the stability of the country.

36. **Mr. Shohmurod** (Tajikistan), replying to questions about early marriage and polygamy, said that the State party had raised the legal age of marriage from 16 to 18. While early marriages had been criminalized, girls were allowed to marry at the age of 17 if a judge issued an authorization to that effect. Polygamy was prohibited under the Constitution and had been criminalized, but it was not unheard of as the vast majority of the population was Muslim. While 103 cases of polygamy had been identified in 2014, the State party favoured preventive measures and awareness-raising campaigns as opposed to the prosecution of individuals.

37. Turning to the issue of labour migrants, he said that the Government had adopted various measures to prevent the return of such migrants from having a negative impact on the national economy.

38. **Ms. Tagoeva** (Tajikistan) said that labour migration was an issue of great concern. Her Government had set up a pre-migration centre that provided free guidance to migrant workers who were planning to go abroad, and a branch of the Ministry of Labour worked closely with the Tajik Embassy in the Russian Federation to uphold the rights of Tajik migrant workers there. The number of Tajiks who were prohibited from migrating to the Russian Federation had increased, and 450,000 migrant workers had returned to Tajikistan during the winter of 2014. The Government had established an employment programme to provide such workers with training and certificates upon successful completion of their training. It also advertised vacant posts, held a special labour fair for returning migrants and worked with employers to ensure that returning migrants found employment. In addition, the number of loans and grants issued to women, including returning migrant workers, had increased, which allowed them to set up their own businesses and employ others. The Government had also begun implementing a programme that encouraged the children of migrant workers to attend school and provided the families with targeted social assistance.

39. **Mr. Shohmurod** (Tajikistan), referring to concerns about discrimination on grounds of sexual orientation, said that national legislation did not establish a comprehensive list of the grounds for discrimination, but cases of alleged discrimination could nevertheless be taken to court. The courts had not examined any cases of discrimination on grounds of sexual orientation to date.

40. **Mr. Ashurov** (Tajikistan), addressing concerns about the length of the State party report, said that the report had initially been submitted in 2011 and deemed too long. As a

result, the State party had redrafted it in order to bring it into line with the Committee's requirements.

41. **Mr. Mirboboev** (Tajikistan) said the State ensured that all children enjoyed equal access to education and that the number of girls and women enrolled in school and in postgraduate studies had increased. Middle-school classes were now offered at primary schools in certain rural areas to ensure that children did not stop attending school due to the absence of a middle school in their community. Bilingual schools had been established in areas in which national minorities were concentrated. As to the impact of the economic crisis on education, State spending on education had, in fact, increased.

42. **Mr. Ashurov** (Tajikistan), in response to a question about domestic violence, said that while the law did not contain a provision specifically relating to domestic violence, a number of provisions on offences such as assault could be invoked in cases of such violence. The State party did not have any data on sentencing in domestic violence cases.

43. **Mr. Shohmurod** (Tajikistan), referring to a question about Internet access for marginalized groups, said that the Government did not provide free or subsidized Internet access and that all of the country's Internet providers were private.

44. **The Chairperson** said he regretted that the delegation did not have more time to answer the Committee's questions and suggested that Mr. Shohmurod proceed to make his closing statement.

45. **Mr. Shohmurod** (Tajikistan) said that he would like to thank the members of the Committee and, in particular, Mr. Kedzia, for their questions and comments. While the State party had not been able to not respond to all their questions due to time constraints, it would make every effort to address the Committee's concerns and to implement its recommendations.

46. **Mr. Kedzia** said that he wished to thank the State party for its frank and informative responses to the Committee's questions. The dialogue had been very constructive and had given the Committee a better understanding of the scale of the challenges and constraints facing Tajikistan, as well as the laws and measures that had been implemented. As they had not been able to explore some important issues in depth, he hoped that the State party would stay in contact with the Committee before the consideration of its next report. He welcomed the presence of observers from civil society and thanked the NGOs for their reports and advocacy of economic, social and cultural rights.

The meeting rose at 12.55 p.m.